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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

IN RE: CIRCUIT CITY STORES, INC., et al. ) Chapter 11  
Debtors. ) Case No. 08-35653-KRH  
 ) Jointly Administered  
 ) Judge Kevin R. Huennekens

**MOTION FOR EXPEDITED HEARING OF A MOTION AND SUPPORTING  
MEMORANDUM OF CC-INVESTORS 1997-4, LLC FOR AN ORDER  
(A) COMPELLING DEBTOR TO IMMEDIATELY PAY ADMINISTRATIVE  
RENT PURSUANT TO 11 U.S.C. §§ 365(d)(3) AND 503(b)  
AND GRANTING RELATED RELIEF**

CC-Investors 1997-4, a Delaware business trust ("Investors"), by and through its counsel, Williams Mullen, hereby moves (the "Motion") this Court for an expedited hearing pursuant to Rule 9013-1(N) of the Local Rules of the Bankruptcy Court for the Eastern District of Virginia (the "Local Rules"), to consider the *Motion and Supporting Memorandum by CC-Investors 1997-4, LLC for an Order (A) Compelling Debtor to Immediately Pay Administrative Rent Pursuant to 11 U.S.C. §§ 365(d)(3) and 503(b), and (B) Granting related Relief* (the "Motion to Compel"). In support of this Motion Investors respectfully states as follows:

**I. Jurisdiction**

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334.
2. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(3).
3. The predicates for the relief requested herein are § 105(a) of 11 U.S.C. §§ 101-1532 (as amended, the “Bankruptcy Code”) and Local Rule 9013-1(N).

**II. Relief Requested and Basis Thereof**

4. Local Rule 9013-1 allows for the setting of a hearing on an expedited basis as requested herein.
5. Additionally, § 105 of the Bankruptcy Code provides that the Court “may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a).
6. On December 10, 2008, Investors filed a Motion to Compel Payment of Post-Petition Rent wherein it sought this Court’s entry of an Order (a) authorizing and directing Circuit City Stores, Inc., one of the Debtors in the above-captioned bankruptcy case (the “Debtor”) to immediately pay the November Administrative Rent (as defined below) owed to Investors pursuant to §§ 365(d)(3) and 503(b) of the Bankruptcy Code, (b) authorizing and directing the Debtor to reimburse Investors for all reasonable and actual attorneys’ fees and costs incurred in preparing and prosecuting the Motion to Compel due to the Debtor’s failure to comply with the terms of the lease (as defined in the “Motion to Compel”) and §§ 365(d)(3) and 503(b) of the Bankruptcy Code, (c) authorizing and directing the Debtor to make all future monthly payments of administrative rent and related charges to Investors in full on or before the

25<sup>th</sup> day of the month for which such administrative rent and related charges accrue, as required by the lease, and (d) granting such other and further relief as this Court deems just and proper.

7. At the hearing held on the Motion on December 22, 2008, this Court directed the Debtor to immediately pay the “stub” rent due to Investors for the period of time from November 10, 2008 to November 30, 2008. Investors has prepared an Order embodying the Court’s ruling and has forwarded the Order to counsel for the Debtor for his review. Counsel for Investors has not received comments from the Debtor as of the filing of this Motion.

8. Pursuant to an Order Under Bankruptcy Code § 365(d)(4) Extending The Time Within Which Debtors May Assume Or Reject Unexpired Leases of Nonresidential Real Property entered herein on December 10, 2008 (Docket Number 882), (the “365(d)(3) Order”) in Paragraph 7 of the 365(d)(3) Order, the Debtors were directed to timely perform obligations under its leases pursuant to Bankruptcy Code § 365(d)(3). Per the 365(d)(3) Order, in the event timely performance was not received, any affected landlord may serve notice setting forth the unperformed obligations by electronic mail or facsimile transmission to counsel for the Debtors and the Committee. Pursuant to Paragraph 8 of the 365(d)(3) Order, if after five (5) days from the service of this § 365(d)(3) notice, the obligations set forth in such notice are not performed, then the affected landlord shall be entitled upon written notice to an expedited hearing to resolve such dispute.

9. By Notice mailed electronically dated December 24, 2008, a copy of which is attached hereto as Exhibit A and made a part hereof, counsel for Investors gave the appropriate § 365(d)(3) notice to the appropriate parties indicating that Investors was due rent for the “stub” period from November 10, 2008 through November 30, 2008, and was also due rent for December of 2008, which rent became due on the December 25, 2008 in the total amount of

\$97,716.66. As of the date of this Motion, no payments have been forthcoming to Investors in response to the notice.

10. Investors believes that it is critical that this Court consider this Motion to Compel. The Debtor has failed to pay Investors the November “stub” rent, which this Court previously ordered to be paid and it has further failed to pay the rent due for December, 2008, which was due on the 25<sup>th</sup> day of the month. Due to the failure of the Debtor to pay the rent as ordered by this Court Investors is having a difficult time paying its lender on the property subject to the Circuit City lease and said lender may declare Investors loan in default as a result.

11. Because the Debtor has failed to pay the November and December Administrative Rent, even though required to do so by the Orders of this Court, the Debtor will likely continue to ignore its post-petition obligations under the Lease in violation of the Bankruptcy Code.

### **III. Local Rule 9013-1(N) Certification**

12. Pursuant to Local Rule 9013-1(N), I certify that:

- a. I am a member of the Bar of this Court.
- b. I have carefully examined this matter and have concluded that there is a true need for this emergency hearing, especially in light of the provisions of this Court’s Order of December 10, 2008, referred to above, which specifically provides for an expedited hearing.
- c. I have not created the emergency through the lack of diligence.
- d. I have made a *bona fide* effort to resolve the matter without a hearing.

### **IV. Request for Waiver of Local Rule 9013-1(G)**

13. Investors respectfully requests that this Court treat this Motion as a written memorandum of points and authorities or waive any requirement that this Motion be

accompanied by a written memorandum of points and authorities as described in Local Rule 9013-1(G).

**WHEREFORE**, Investors respectfully request that this Court enter the proposed Order attached hereto setting the Motion to Compel for consideration at an expedited hearing, and grant such other and further relief as may be just and proper.

Dated: December 31, 2008  
Richmond, Virginia

Respectfully Submitted,

CC-INVESTORS 1997-4,  
A Delaware Business Trust

By /s/ Paul S. Bliley, Jr.  
Of Counsel

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 31th day of December, 2008, a copy of the **Motion for the Expedited Hearing of the Motion and Supporting Memorandum of CC-Investors 1997-4, for an Order (a) Compelling Debtor to Immediately Pay Administrative Rent Pursuant to 11 U.S.C. §§ 365(d)(3) and 503(b) and (b) Granting Related Relief** were sent via the Electronic Case Filing (ECF) system, as appropriate, and by First Class Mail (postage prepaid) on the following attached Service List:

/s/ Paul S. Bliley, Jr.  
Paul S. Bliley, Jr.

1698297v1

Circuit City Stores, Inc.  
Rule 2012 List

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Kelley Dye & Warren LLP	James S Carr Esq Robert L LeHane Esq	101 Park Ave		New York	NY	10178		212-808-7800	212-808-7897	KelleyDye@kelleydye.com	Counsel for Developers Diversified Realty Corporation; Weingarten Realty Investors; Bassett-Kaufman; GenCorp Growth Properties, Inc.; Jones Lang LaSalle Americas, Inc.; Phillips International; S.J. Collins Enterprises, Goodrich Enterprises; DeHart Holdings; Weeks Properties CO Holdings; FW CA-BREA Marketplace LLC; Regency Centers, L.P.; RC CA Santa Barbara, LLC;
Kepley Brosious & Biggs PLC	William A Brosious Esq	2211 Pump Rd		Richmond	VA	23233		804-288-3446	804-288-3661	wbrosious@kbpoble.com	Counsel for Kamin Realty Company, Jurupa Bellingbi LLC
Khang & Khang LLP	Joan M Khang James A Pardo Jr	1901 Avenue of the Stars 2nd Fl		Los Angeles	CA	90067		310-461-1342	310-461-1343	joan@khanglaw.com	Counsel for Sherwood America, Inc.
King & Spalding LLP	Thaddeus D Wilson	1180 Peachtree St		Atlanta	GA	30309		404-572-4600	404-572-5129	thad@kslaw.com	Counsel for Mitsubishi Electric & Electronics USA, Inc. and Mitsubishi Digital Electronics America, Inc.
Kitchens Kelly Gaynes PC	Heather D Dawson Esq	3495 Piedmont Rd NE		Atlanta	GA	30305		404-237-4100	404-354-0126	hdawson@kkgpc.com	Counsel for Westgate Village LP
Klea Tuchin Bogdanoff & Stern LLP	Michael L Tuchin	1999 Avenue of the Stars 38th Fl		Los Angeles	CA	90067-6049				mtuchin@klelaw.com	Counsel for Paramount Home Entertainment
Klehr Harrison Harvey Branzburg & Eilers LLP	Jeffrey Kurtzman Esq	260 S Broad St		Philadelphia	PA	19102		215-569-4493	215-569-5803	jkurtzman@klehr.com	Counsel for The Goldenberg Group
Krokidas & Bluestein LLP	Anthony J Cichello Esq	600 Atlantic Ave		Boston	MA	02210				acichello@kb-law.com	Counsel for Loop West LLC, by its Managing Agent The Wyder Companies, Ltd.
Kupelian Omond & Nagy PC	Terrance A Hiller Jr Esq David M Blau Esq	25800 Northwestern Hwy Ste 950		Southfield	MI	48075		248-357-0000	248-357-7488	tdhiller@kompc.com	Counsel for Ramco West Oaks I, LLC; Ramco JW, LLC; RLV Village Plaza, LP; RLV Vista Plaza, LP; Rebs Museum, LLC; Pelkar Museum, LLC; Farann Museum, LLC
Kuak Rock LLP	Michael A Conroy Esq Loc Pfeiffer Esq Peter J Barrett Esq	1111 E Main St Ste 800		Richmond	VA	23219-3500		804-644-1700	804-783-6192	loc.pfeiffer@kuakrock.com	Counsel for Sony Electronics Inc.; Schottenstein Property Group, Inc.
Landsberg Margulies LLP	Ian S Landsberg Esq	16030 Ventura Blvd Ste 470		Encino	CA	91436		818-705-2777	800-705-3777	ilandsberg@lm-lawyers.com	Counsel for Eagle Ridge Associates, LLC; Torrance Towne Center Associates, LLC; NMC Stratford LLC and FUL-MV, LLC
Latham & Watkins LLP	Josef S Athanas	233 S Wacker Dr		Chicago	IL	60606		312-876-7700	312-993-9767	josef.athanas@lw.com	Counsel for Hilo Merchant Resources, LLC and Gordon Brothers Retail Partners LLC

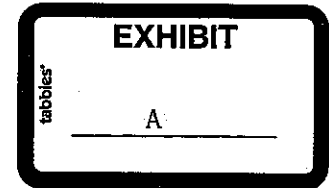
Case Name	Notice Name	Address 1	Address 2	City	State	ZIP	Country	Phone	Fax	Email	Party/Function
Law Office of Robert E Luna PC Law Offices of Ronald K Brown Jr	Andrea Sheehan Ronald K Brown Jr	4411 N Central Expressway 901 Dove St Ste 120		Dallas Newport Beach	TX CA	75205 92660		214-521-8000 949-250-3322	214-521-1738 949-250-3387	sheehan@kxshoolaw.com robkbrwn@aol.com	Counsel for Lewisville Independent School District Counsel for Pacific Castle Groves, LLC Counsel for CC Colonial Trust; CC Joliet Trust; CC Merrille Trust; Bond Circuit VIII Delaware Trust
Lazer Aphelker Rosella & Yecid PC	Robin S Abramowitz Stephen E Leach Esq D Marc Sarata Esq	Melville Law Ctr 8270 Greensboro Dr Ste 1050 Riverfront Plz E Tower	225 Old Country Rd	Melville McLean Richmond	NY VA VA	11747-2712 22102 23218-2499		631-761-0800 703-584-8902 804-783-2003		abramowitz@lapepc.com leach@lila.com msarata@lbiaw.com	Counsel for Children's Discovery Centers of America, Inc. Counsel for Bank of America, N.A., as Agent
Lehnardt & Lehnardt LLC	Bruce H Watson Dale G Lehnardt Stephen K Lehnardt	20 Westwoods Dr One Corporate Ctr 1425 RexCorp Plz 1055 W Seventh St Ste 2800		Liberty Owings Mills Uniondale Los Angeles	MO MD NY CA	64088-3518 21117 11596-1425 90017		816-407-1400 410-581-7410 516-802-7008 213-955-9500	816-407-9088 410-581-7410 516-802-7008 213-955-9511	bruce.watson@ledairny.com skleh@lehna-law.com jeremy.lehnardt@liff.com gordon.young@liff.com sara@glavastop.com sam.ortiz@liffny.com	Counsel for 3725 Airport Blvd LP Counsel for Toshiba America Consumer Products, L.L.C. and Toshiba America Information Systems, Inc. Counsel for Audiovox Corporation Counsel for Averatec/Trigen USA
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McDonough Holland & Allen PC McKenna Long & Aldridge LLP McKenna Long & Aldridge LLP	J David Folds	1900 K St NW		Washington	DC	20006		202-496-7521	202-496-7756		Counsel for The City of New York
Mentor Rudin & Trivelpiece PC Mercer Tridgely LLP Miami Trade County Attorneys Office	Kevin M Newman Esq Philip C Baxa Esq Erica S Zaron	308 Malibu St Ste 200 16 S Second St 2810 Stephen P Clark Cir	111 NW First St	Syracuse Richmond Miami	NY VA FL	13204-1498 23218 33128-1993		315-474-7541 804-782-8891 305-375-5151	315-474-4040 804-644-0209 305-375-5611	knewman@menterlaw.com phil.baxa@mercercapital.com erica.s.zaron@miamitrade.com	Counsel for The City of New York
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Name	Notice Name	Address 1	Address 2	City	State	ZIP	Country	Phone	Fax	Email	Party/Function
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Michelle Leeson CFCA		PO Box 25300		Bradenton	FL	34205-5300		941-741-4835	941-741-4865	michellel@taxcollector.com	Counsel for Ken Burton Jr., Manatee County Tax Collector
Michelle Leeson CFCA		819 US 301 Blvd W		Bradenton	FL	34205		941-741-4835	941-741-4865	michellel@taxcollector.com	Counsel for Ken Burton Jr., Manatee County Tax Collector
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Mitsubishi Digital Electronics America Inc	Brian Atteberry	AV Division	9951 Jeronimo Rd	Irvine	CA	92656		949-455-8079	949-505-4924	bateberry@midea.com	Counsel for The City Portfolio TIC, LLC; KJ/Fans TIC; Mitsubishi Digital Electronics America, Inc.
Moldo Davidson Fracloti Soror & Sestianovich LLP	Byron Z Moldo	2029 Century Park E 21st Fl		Los Angeles	CA	90067		310-551-3100	310-551-0238	bmoldo@moldoflaw.com	RMRG Portfolio TIC LLC; Centre at 38th St TIC, LLC and RMRG Portfolio TIC, LLC
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O Melvany & Myers LLP	Michael J Sago Esq	Times Square Tower	7 Times Square	New York	NY	10036		212-325-2000	212-325-2061	msago@oml.com	Counsel for Pan Am Equities, Inc.
Office of Joe G Tedder CFC	Kayn B Zeldman Esq			New York	NY	10036		212-325-2000	212-325-2061	kzeldman@oml.com	Counsel for the Tax Collector for Polk County, Florida
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Oklahoma County Treasurer	Timothy A Bortz	320 Robert S Kerr Rm 307		Reading	PA	19602-1164		610-378-4044	610-378-4459	tbortz@state.pa.us	Counsel for the Oklahoma County Treasurer
Oshan Goodman Frome Rosenzweig & Wolosky LLP	Tammy Jones Pro Se	Michael S Fox Esq		Oklahoma City	OK	73102		405-713-1323		info@ojanlaw.com	Counsel for Bush Industries, Inc.; ON Corp US Inc.; Corp
Oppenheimer Blend Harrison & Tale Inc	Frederick L Levy Esq	Park Avenue Tower	65 E 58th St	New York	NY	10022		212-451-2300	210-224-7540	levy@ojanlaw.com	Counsel for The Miner Corporation
Orrick Herrington & Sutcliffe LLP	Raymond W Battaglia	711 Navarro 8th Fl		San Antonio	TX	78205		210-224-2000	202-339-5500	Rbattaglia@orb.com	Counsel for MITAC USA Inc.
Oster Hoskin & Hardcourt LLP	Scott A Stenger Esq	Columbia Ctr	1152 15th St NW	Washington	DC	20005-1706		202-339-8400	416-862-5666	stenger@oster.com	Counsel for the Pasadena Independent School District
Panatieri Law Firm	Jeremy Dacks	100 King St W 1 First Canadian Pl		Toronto	ON	M5X 1B9 Canada		416-862-4923	416-862-4908	jdacks@oster.com	Counsel for Navarra Distribution Services, Inc.
Pasadena Independent School District	Marc S Wasserman	34 Tesla Ste 100		Irvine	CA	92618		281-991-6095	281-991-6012	mwasserman@pasd.net	Counsel for Landmark Communications, Inc. db/a The Virginian-Pilot
Patton Boggs LLP	Dexter D Joyner	4701 Preston Ave		Pasadena	TX	77505		703-744-8000	703-744-8001	dboggs@pattonboggs.com	Counsel for Pension Benefit Guaranty Corporation
Pender & Coward PC	R Timothy Bryan	8484 Westpark Dr 9th Fl		McLean	VA	22102		757-490-6261	757-497-1914	rbryan@pendercoward.com	Counsel for the City of Cedar Hill; Burleson ISD; Arlington ISD; City of Hurst; Mansfield ISD; Carroll ISD; City of Lake Worth; Arlington ISD; Alier ISD; Baybrook MUD 1; Brazoria County, Brazoria County MUD #6; Burleson ISD; Carroll ISD; City of Cedar Hill; City of Hurst; City of Lake Worth; City of Wichita Falls; Clear Creek ISD; Fort Bend ISD; Fort Bend LID 2; Fort Worth ISD; Galena Park ISD; Hidalgo County & H.C. Drainage District #1; Humble ISD; Lubbock CAD; Midland County Tax Office; Potter County Tax Office; Tyler ISD; Wichita County; Wichita Falls ISD; Woodlands Metro MUD; Woodlands RUD #1
Pension Benefit Guaranty Corporation	Alan M Noskow	222 Central Park Ave Ste 400		Virginia Beach	VA	23462		202-326-4020x3881	202-326-4112	alan.noskow@pbgc.gov	Counsel for the City of Cedar Hill; Burleson ISD; Arlington ISD; City of Hurst; Mansfield ISD; Carroll ISD; City of Lake Worth; Arlington ISD; Alier ISD; Baybrook MUD 1; Brazoria County, Brazoria County MUD #6; Burleson ISD; Carroll ISD; City of Cedar Hill; City of Hurst; City of Lake Worth; City of Wichita Falls; Clear Creek ISD; Fort Bend ISD; Fort Bend LID 2; Fort Worth ISD; Galena Park ISD; Hidalgo County & H.C. Drainage District #1; Humble ISD; Lubbock CAD; Midland County Tax Office; Potter County Tax Office; Tyler ISD; Wichita County; Wichita Falls ISD; Woodlands Metro MUD; Woodlands RUD #1
Pendue Brandon Fielder Collins & Mott LLP	Paul A Driscoll	Office of the Chief Counsel	1200 K St NW	Washington	DC	20005-4026		202-326-4020x3881	202-326-4112	eddie.sara@pbgc.gov	Counsel for the City of Cedar Hill; Burleson ISD; Arlington ISD; City of Hurst; Mansfield ISD; Carroll ISD; City of Lake Worth; Arlington ISD; Alier ISD; Baybrook MUD 1; Brazoria County, Brazoria County MUD #6; Burleson ISD; Carroll ISD; City of Cedar Hill; City of Hurst; City of Lake Worth; City of Wichita Falls; Clear Creek ISD; Fort Bend ISD; Fort Bend LID 2; Fort Worth ISD; Galena Park ISD; Hidalgo County & H.C. Drainage District #1; Humble ISD; Lubbock CAD; Midland County Tax Office; Potter County Tax Office; Tyler ISD; Wichita County; Wichita Falls ISD; Woodlands Metro MUD; Woodlands RUD #1
Phillips Goldman & Spence PA	Sara B Eagle Esq			Washington	DC	20005-4026		202-326-4020x3881	202-326-4112	sara@pbgc.gov	Counsel for the City of Cedar Hill; Burleson ISD; Arlington ISD; City of Hurst; Mansfield ISD; Carroll ISD; City of Lake Worth; Arlington ISD; Alier ISD; Baybrook MUD 1; Brazoria County, Brazoria County MUD #6; Burleson ISD; Carroll ISD; City of Cedar Hill; City of Hurst; City of Lake Worth; City of Wichita Falls; Clear Creek ISD; Fort Bend ISD; Fort Bend LID 2; Fort Worth ISD; Galena Park ISD; Hidalgo County & H.C. Drainage District #1; Humble ISD; Lubbock CAD; Midland County Tax Office; Potter County Tax Office; Tyler ISD; Wichita County; Wichita Falls ISD; Woodlands Metro MUD; Woodlands RUD #1

Name	Notice Name	Address 1	Address 2	City	State	ZIP	Country	Phone	Fax	Email	Party/Function
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Polsinelli Shalton Flanigan Suelthaus PC	James E Bird Amy E Hatch	700 W 47th St Ste 1000		Kansas City	MO	64112		816-753-1000	816-753-1535	jbird@polsinelli.com ahatch@polsinelli.com	Counsel for MD-GSI Associates
Polsinelli Shalton Flanigan Suelthaus PC	Michael F Ruggio Robert Somma Esq	1152 15th St NW Ste 800		Washington	DC	20005		202-783-3300	202-783-3535	mruggio@polsinelli.com rsomma@pbi.com	Counsel for MD-GSI Associates
Posternak Blankstein & Lund LLP	Laura A Olmit Esq	Prudential Tower	800 Boylston St	Boston	MA	02199		617-973-6100	617-387-2315	olmit@pbi.com	Counsel for Prince George's Station Retail, LLC; Gould Investors, L.P.; Georgia Pension Associates Realty Corp.; OLD CCAnloch, LLC; OLP CCFairview Heights, LLC; OLP CCFerguson, LLC; OLP CCFlorence, LLC; OLP CCSI, Louis, LLC, and OLP 6509 Grand, LLC
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Procopio Cory Hargreaves & Savitch LLP	Gerald P Kennedy Brian Snower Esq	530 B St Ste 2100		San Diego	CA	92101		619-515-3239	619-235-0398	gsnow@procopio.com bsnow@quarles.com	Counsel for DFS Services LLC
Quarles & Brady LLP	Lon L Winkelman Esq Catherine M Quastello Esq	Renaissance One	Two N Central Ave	Phoenix	AZ	85004-2391		602-229-5200	602-229-5690	lwinkelm@quarles.com cquastello@quarles.com	Counsel for United Parcel Service, Inc.; UPS Ground Freight, Inc.; and Bedford Properties LLC
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December 24, 2008

**VIA FACSIMILE AND E-MAIL**

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Pachulski Stang Ziehl & Jones LLP  
780 Third Avenue, 36<sup>th</sup> Floor  
New York, New York 10017-2024**

RE: 365(d)(3) Notice

Gentlemen:

I represent the Circuit City landlord, CC-Investors 1997-4. Please be advised that Circuit City Stores, Inc. (together with its affiliates, the "Debtor"), has failed to timely perform its obligations as Lessee with respect to the property set forth below. The Debtor is still in possession of the listed premises and has not rejected the lease. The amounts listed below are for rent payments due from the Debtor from November 10, 2008, the date the Debtor filed Chapter 11 through December 31, 2008. Further, for this premises, if the Debtor continues in possession of the premises in January of 2009, or fails to reject this lease for any reason, and after, the Debtor must pay the full rent due under the lease which is due on the 25<sup>th</sup> day of each calendar month, in arrears.

1. CC-Investors 1997-4, 1505 South Colorado Blvd., Denver (Glendale), Colorado – \$97,716.66.

This Notice is being in compliance with the Order Under Bankruptcy Code Section 365(d)(4) Extending Time Within Which Debtors May Assume or Reject Unexpired Leases of Nonresidential Property entered by the United States Bankruptcy Court for the Eastern District

*A Professional Corporation*

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Two James Center 1021 East Cary Street (23219) P.O. Box 1320 Richmond, VA 23218-1320 Tel: 804.643.1991 Fax: 804.783.6507  
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December 24, 2008

Page 2

of Virginia (the "Court") on December 10, 2008. You should also be aware that CC-Investors 1997-4 filed a Motion to Compel at Docket 875.

Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul S. Bliley, Jr.", with a stylized flourish at the end.

Paul S. Bliley, Jr.

PSBjr/hlp

cc: Steve Sutton

1697341vt

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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

IN RE: CIRCUIT CITY STORES, INC., et al. ) Chapter 11  
Debtors. ) Case No. 08-35653-KRH  
 ) Jointly Administered  
 ) Judge Kevin R. Huennkens

**ORDER GRANTING MOTION AND SUPPORTING MEMORANDUM FOR  
EXPEDITED HEARING OF A MOTION AND SUPPORTING MEMORANDUM OF  
CC-INVESTORS 1997-4, LLC FOR AN ORDER  
(A) COMPELLING DEBTOR TO IMMEDIATELY PAY ADMINISTRATIVE  
RENT PURSUANT TO 11 U.S.C. §§ 365(d)(3) AND 503(b)  
AND (B) GRANTING RELATED RELIEF**

This matter came before the Court on the Motion of CC-Investors 1997-4 ("Investors") for an Order setting the *Motion and Supporting Memorandum of CC-Investors 1997-4, LLC for an Order (a) Compelling the Debtor to Immediately Pay Administrative Rent Pursuant to 11 U.S.C. §§ 365(d)(3) and 503(b) and (b) Granting Related Relief* (the "Motion to Compel") for an expedited hearing. The Court finds (i) the conditions for an expedited hearing set forth in this Court's Order Under Bankruptcy Code § 365(d)(4) Extending The Time Within Which Debtors May Assume or Reject Unexpired Leases of Nonresidential Real Property entered herein on December 10, 2008 have been satisfied, (ii) an emergency exists with respect to the relief



requested in the Motion, and (iii) Investors did not, through any lack of due diligence, create the emergency, and (iv) Investors has made a *bona fide* effort to resolve the matter addressed by the Motion prior to seeking an expedited hearing. The Court, therefore, finding it reasonable and necessary to do so, hereby **ORDERS** that:

1. A hearing to consider the Motion shall be conducted by the Court on January \_\_\_\_, 2009 at \_\_\_\_ a.m.

2. The Clerk shall issue copies of this Order to those parties listed on the Certificate of Service.

ENTERED in Richmond, Virginia this \_\_\_\_ day of \_\_\_\_, 2008.

\_\_\_\_\_  
United States Bankruptcy Judge

**LOCAL RULE 9022-1(C)(1) CERTIFICATION**

I hereby certify that the foregoing Order has been served on all necessary parties by first class mail, postage prepaid, at the addresses indicated below and to the entities listed on the Bankruptcy Rule 2002 Master Service List at the addresses listed therein.

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101 West Main Street, Suite 9000  
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Attorneys for Circuit City Stores, Inc.

Office of the United States Trustee  
701 E. Broad Street, Suite 4304  
Richmond, VA 23219  
Attn: Robert B. Van Arsdale, Esq.

/s/ Paul S. Bliley, Jr.

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